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Attorneys for Defendant  
HP Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

JUSTIN DAVIS and GARY DAVIS,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

HP, INC.,

Defendant.

Case No. 4:23-cv-02114-YGR

**STIPULATION RE: FIRST AMENDED  
COMPLAINT AND BRIEFING SCHEDULE;  
AND [PROPOSED] ORDER**

Hon. Yvonne Gonzalez Rogers

1           **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs Justin Davis and  
2 Gary Davis (“Plaintiffs”) and Defendant HP Inc. (“HP”) (collectively, the “Parties”), by and through  
3 their respective counsel, as follows:

4           WHEREAS, on May 1, 2023, Plaintiffs filed their Complaint in this action (Dkt. No. 1);

5           WHEREAS, HP anticipates moving to dismiss the Complaint pursuant to Federal Rule of  
6 Civil Procedure 12;

7           WHEREAS, consistent with the guidance provided in the Court’s Scheduling Notes that  
8 parties should attempt to resolve issues without formal motion practice, counsel for the Parties herein  
9 have met and conferred regarding HP’s anticipated motion to dismiss the Complaint, in an effort to  
10 narrow the issues presented by the motion;

11           WHEREAS, following such meet and confer, Plaintiffs have agreed to amend their  
12 Complaint;

13           WHEREAS, HP anticipates that it will move to dismiss Plaintiff’s Amended Complaint;

14           WHEREAS, the Parties have further met and conferred regarding a schedule for filing of the  
15 Amended Complaint and briefing and hearing of HP’s motion to dismiss that would accommodate  
16 counsels’ schedules without altering the late August<sup>1</sup> date for the initial Case Management  
17 Conference in this action;

18           WHEREAS, the Parties have agreed upon the below schedule for Plaintiffs’ filing of the  
19 Amended Complaint and for briefing and hearing of HP’s motion to dismiss, which schedule does  
20 alter the briefing schedule that would otherwise apply under Civil Local Rule 7-3, but does not  
21 otherwise impact the setting of the initial Case Management Conference in late August 2023;

22           WHEREAS, the Parties have not sought any previous extensions with respect to these  
23 pleading and briefing deadlines;

24           NOW, THEREFORE, the Parties hereby stipulate, and respectfully request that the Court  
25 enter an order regarding the scheduling for filing and responding to an amended complaint as  
26 follows:

27 \_\_\_\_\_  
28 <sup>1</sup> Currently pending before this Court is the Parties’ stipulation to extend the initial Case Management Conference from August 21, 2023 to August 28, 2023 (Dkt. No. 17).

- The deadline for Plaintiffs to file an amended complaint shall be **June 9, 2023**;
- The deadline for HP to move to dismiss or otherwise respond to Plaintiffs' amended complaint shall be **June 30, 2023**;
- The deadline for Plaintiffs to file an Opposition to the motion to dismiss shall be **July 18, 2023**; and
- The deadline for HP to file its Reply in support of the motion to dismiss shall be **August 1, 2023**.
- HP's motion to dismiss shall be set for hearing on **August 15, 2023**.

**IT IS SO STIPULATED.**

Dated: June 6, 2023

K&L GATES LLP

By: /s/ Michael J. Stortz

Michael J. Stortz

Andrew J. Wu

*Attorneys for Defendant*

*HP Inc.*

Dated: June 6, 2023

MILBERG COLEMAN BRYSON PHILLIPS  
GROSSMAN PLLC

By: /s/ Trenton R. Kashima

Trenton R. Kashima

*Attorneys for Plaintiffs*

*Justin Davis and Gary Davis*

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), the undersigned hereby attests that all signatories on whose behalf this filing is submitted concur in the filing of this document.

Dated: June 6, 2023

By: /s/ Michael J. Stortz

Michael J. Stortz

**[PROPOSED] ORDER**

Having reviewed the Parties' Stipulation Re: First Amended Complaint and Briefing Schedule, and for good cause shown, the Court hereby orders as follows:

- The deadline for Plaintiffs to file an amended complaint shall be **June 9, 2023**;
- The deadline for HP to move to dismiss or otherwise respond to Plaintiffs' amended complaint shall be **June 30, 2023**;
- The deadline for Plaintiffs to file an Opposition to the motion to dismiss shall be **July 18, 2023**; and
- The deadline for HP to file its Reply in support of the motion to dismiss shall be **August 1, 2023**.
- HP's motion to dismiss shall be set for hearing on **August 15, 2023**.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Yvonne Gonzalez Rogers  
UNITED STATES DISTRICT JUDGE